

### **REMARKS**

The Office Action dated July 12, 2005, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto.

By this Amendment, claims 1 and 5 have been amended. Support for the amendments to claim 1 can be found on page 7, lines 17-27 of the specification as originally filed. No new matter has been added. Claims 1, 3 and 5 are pending and respectfully submitted for consideration.

### **Rejection Under 35 U.S.C. § 102**

Claims 1, 3 and 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by the newly cited Egan et al. (U.S. Patent No. 6,144,521, "Egan"). Claims 3 and 5 depend from claim 1. The Applicants respectfully submit that claims 1, 3 and 5 recite subject matter that is neither disclosed nor suggested by Egan.

As a preliminary matter, the Applicants respectfully submit that Egan would be a reference under 35 U.S.C. § 102(e), not 35 U.S.C. § 102(b) because Egan was not patented or described in a printed publication more than one year prior to the date of the application for patent in the U.S.. Specifically, Egan, although filed before the present application, was published on November 7, 2000, after the U.S. filing date of the present application, March 3, 2000. Therefore, Egan would be a reference under 35 U.S.C. § 102(e).

Egan discloses a magazine of cartridges that are inserted through front wall 36 of cartridge library 20. Mounted within frame 32 are magazine mounting assembly 45; drive mounting assembly 50; cartridge transport system 60, and controller 65. The

controller circuit is oriented on edge and is mounted through a SCSI connector to rear wall 35 of library housing 32. See column 5, lines 1-9 of Egan. Fig. 18C of Egan discloses magazine latch assembly 1842 which comprises a pivoting latch member 1850 which pivots around pivot pins 1852 formed on tail section 1854 thereof. The pivoting latch member 1850 has two forwardly extending arms 1860. The distal end of arms 1860 has V-shaped tabs 1841 formed on an underside thereof, as seen in Fig. 18A and Fig. 18B. See column 18, lines 13-18 of Egan.

With respect to claim 1, the Applicants respectfully submit that Egan fails to disclose or suggest the claimed features of the invention. Claim 1, as amended, recites that part of each of the plurality of restriction members is so formed that each is narrower in a front portion than in a rear portion thereof, and has a slip-contact member at the front portion. As a result of the claimed invention, in particular, the recited feature of the restriction members, when the magazine is inserted into or withdrawn from the magazine holder, stresses will not be repeatedly collected on the rear portions of the restriction members, thereby preventing the restriction members from tearing off the magazine holder. Further, since the restriction members are so formed that each has a slip-contact member at its front portion, it is possible to ensure a smooth movement of the magazine when it is inserted or withdrawn from the magazine holder. The Applicants respectfully submit that the Egan reference does not disclose or suggest the claimed features of the invention, and thereby, does not provide the critical and non-obvious features provided by the present invention.

The Applicants respectfully submit that the V-shaped tabs 1841 in Egan are not comparable to the plurality of restriction members recited in claim 1. Specifically, as

shown in Figures 18A, 18B and 18D, the V-shaped tabs are not formed to have a narrower front portion than a rear portion. In addition, the V-shaped tabs do not include a slip-contact member at the front portion. Therefore, Egan fails to disclose or suggest at least the combination of features of part of each of a plurality of restriction members so formed that each is narrower in a front portion than in a rear portion thereof, and has a slip-contact member at the front portion, as recited in amended claim 1.

According to U.S. patent practice, a reference must teach every element of a claim in order to properly anticipate the claim under 35 U.S.C. §102. In addition, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “Every element of the claimed invention must be arranged as in the claim. . . . [t]he identical invention must be shown in as complete detail as is contained in the patent claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989) (emphasis added). Accordingly, Egan does not anticipate claim 1, nor is claim 1 obvious in view of Egan. As such, the Applicants submit that claim 1 is allowable over the cited art.

### **Conclusion**

Claims 3 and 5 depend from claim 1. The Applicants respectfully submit that these dependent claims are allowable at least because of their dependency from allowable base claim 1. Accordingly, the Applicants respectfully request allowance of claims 1, 3 and 5 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 107156-00198.**

Respectfully submitted,



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